



## **National Transportation Safety Board**

Washington, D.C. 20594

Office of Marine Safety

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**THE FOLLOWING DOCUMENT IS A SUMMARY OF THE UNITED STATES  
DEPARTMENT OF JUSTICE DEPOSITION OF MR. SHUN BIAO ZHAO, TAKEN  
FROM DECEMBER 12, 2008, TO DECEMBER 19, 2008, PURSUANT TO RULE 15,  
FEDERAL RULES OF CRIMINAL PROCEDURE.**

**FOR PROCEDURAL AND EVIDENTIARY REASONS, TO INCLUDE PROTECTING  
THE INTEGRITY OF THE CRIMINAL PROSECUTION, THE JUDICIAL PROCESS,  
AND THE RIGHTS OF THE INDIVIDUAL DEFENDANTS AND MATERIAL  
WITNESSES, THE TRANSCRIPT OF THE DEPOSITION WILL NOT BE  
REPRODUCED IN THE NTSB's PUBLIC DOCKET UNTIL A DETERMINATION IS  
MADE BY THE OFFICE OF GENERAL COUNSEL THAT ALL CRIMINAL  
LITIGATION RELATED TO THIS MATTER HAS CONCLUDED, OR IN THE  
ALTERNATIVE, THE PARTIES TO THOSE PROCEEDINGS HAVE CONSENTED TO  
PUBLIC RELEASE.**

**Date:** December 12, 2008

**Place:** San Francisco

## **SUMMARY OF RELEVANT INFORMATION**

PGS. 1-100

- 2<sup>nd</sup> Officer, contracted for about 10 months on the Cosco Busan for Fleet
- Duties were to stand watch, navigational duties, and be familiar with electronic equipment on bridge.
- Construct passage plan. Acknowledges difference between berth to berth and pilot to pilot
- Does not understand the term Admiralty Chart
- Sailed on the 25<sup>th</sup> of Oct. 2007 at 0800 and arrived in LB on the 3<sup>rd</sup> of November
- Arrived in Oakland on the 6<sup>th</sup>.
- Drafted a pilot to pilot from Oakland to Pusan using "waypoint for windows," using bridge computer, left passage plan on chart table for all to see. He and Captain signed off on it.
- Logs under represent the hours worked.
- At the dock he works 6 on 6 off from 0000-0600 and 1200-1800
- During 0000-0600 shift at anchor after accident on 8<sup>th</sup> of November Fleet official Rana said he should do a berth to berth passage plan.
- Knew the waypoints already designed by the former crew from entering harbor waypoint to waypoint. He measured off lat and long positions and entered into computer
- The pilot when on board would be the one commanding in this area.
- Found a berth to berth passage plan already in computer done by previous crew. This was first time he realized there were also berth to berth plans in computer.
- He found all the same, didn't modify any so he just changed date and printed out.
- After making new berth to berth in computer for waypoint for windows Rana said this won't work it has to be in Fleet format. And to be done now
- ZHAO didn't know what fleet format was.
- Upset he had to do it now since end of shift and had been up 23 in last 30 hours.
- Rana showed him in the Bridge Procedures Manual, no digital copy so had to do it himself. Found digital copy of fleet format with aid from 3<sup>rd</sup> officer who had it from a previous fleet ship
- Worked on new passage plan from 0600 to 1100 on bridge morning of 8<sup>th</sup> Not very happy, rested 1 hour before starting 1200 shift
- Master on bridge morning of 8<sup>th</sup> during 0600 to 1100 and informed that 2<sup>nd</sup> was doing a berth to berth and acknowledged that he had to do it if Rana said he had to do it.
- 3<sup>rd</sup> knew Rana from previous employment with fleet.
- 2<sup>nd</sup> now informed Singh who came to bridge about new plan and Singh also said why are you not resting (like captain) and then said if he (Rana) wants you to do it just go ahead and do it.

- Had not finished the fleet format berth to berth by 1100 when he took break before assuming watch at 1300 on 8<sup>th</sup>. (slept in a little, 3<sup>rd</sup> officer covered until 1300)
- Stayed on watch until 1800, got some dinner and then a meeting was called by Rana for all 00W's, meeting didn't start for sometime so captain told ZHAO to go rest. Vessel still at anchor watches still split 6 and 6.
- On afternoon of 9<sup>th</sup> 1200-1800 ZHAO showed both plans (berth to berth) windows and fleet format to Singh as Coast Guard was coming aboard and he said "just give this to them." Pointing at the fleet format.
- Singh discovered there were no signatures on back, so Zhao set about looking for the people to sign them. Windows format only called for second and master to sign. Fleet format called for all to sign.
- Unclear if he signed for the 3<sup>rd</sup> office "on his behalf" or not because he says he's up there on the bridge but not sure. All other signatures Capt. Ch.Off. and 2<sup>nd</sup> are legit. (pg. 88) now its clear from (pg 97) Zhao says he signed for the 3<sup>rd</sup>.
- Coast Guard realized some info. On plan still contained something from previous generated computer (Brisbane to Sydney) etc. mention was made and Zhao asked to see and realized something was wrong and took it back to make changes. Made the changes, made a copy and signed for the other officers. Had not asked permission to sign for others just signed for them before he made copies because he was in a hurry to get it to the Coast Guard, came back upstairs and gave it to them.
- Also created berth to berth for previous voyages in waypoint for windows format after the fact.
- Pgs. 100 – 300
- Summary of the numerous plans are discussed with final outcome being 2<sup>nd</sup> mate surrendered all plans, even original to Coast Guard or government in June of 08.
- Cosco Busan was 1<sup>st</sup> ship he was 2<sup>nd</sup> mate on.
- No general training over from master or supervisors in passage planning but if he asked questions they would generally answer or help him.
- Hardly any interaction with previous crew's second mate, "here's the room key." No written turnover notes.
- No training about when to fill out passage plan appraisal form bridge checklist 13.
- Rana told him to fill out passage plan appraisal form a few days after accident
- Seems like all the forms were filled out after the allision after Rana talked to Zhao
- Electronic version of passage plan put in ECS by Singh for departure Pusan. Singh told Zhao not to touch since it was in already. Zhao had only arrived the night before.
- This was Zhao first time sailing with an ECS
- A pilot to pilot passage plan was in the ECS for Pusan to Long Beach
- Zhao became familiar with the ECS during the voyage by reading the manual and hands on.
- Zhao says Singh told him the fleet format for passage plan will be given to him later "why don't you use waypoint for windows first." Never did get fleet format until after allision.

- Passage plans were all windows versions and pilot to pilot, captain and singh both saw them throughout voyage but never commented.
- Lawyer has Zhao go through numerous sign on documents and attest to signature but he admits that he didn't fill in secondary information. (might have been done en mass like before a large crew sign on.
- Signed masters standing orders but says did not read thoroughly since he felt somewhat similar from the previous ships.
- Rarely read Bridge Procedures Manual, was in English, and I did not actually read it.
- Superintendent sometimes would say that if you have time, just read it.
- Says he had too many other duties and familiarization to read it.
- Browsed through Safety Manual. But believes it is highly probable that he glanced through the portion about his job description. No training just told to read it by superintendent if time allowed.
- Never attended any pre-departure meetings, but always on stern for docking and undocking.
- ECS had pilot to pilot Oakland to Pusan loaded in it.
- Does not admit or acknowledge that he changed symbols on ECS after allision, Just says I don't remember doing it or anyone asking me to do it.
- Only thing Zhao did in preparation for San Francisco was darken lines and check waypoints.
- Pg. 254 Zhao relates to VDR that master has called him to ask about radar tuning. Never did go up to bridge, he states radar was working properly
- Before radar was repaired in Long Beach Zhao didn't think anything was wrong in the first place. Picture was no better or worse than before.
- Many pages of testimony describing duties at stern with tug and then once allision occurs, he describes his actions as witnessing oil spill out and informing bridge
- Born April 5<sup>th</sup> 1980 (28 at time of interview)
- Maritime studies at Wuhan Polytechnical Institute for 3 years graduating in 2002
- One year at sea as cadet to qualify for officer and then have to pass test to get maritime license from Chinese authority. (Chinese Ministry of Maritime Affairs)
- Pgs.300 –400
- Lengthy cross exam for 20 pages clarifying training, reading 2<sup>nd</sup> officer job description in SMS, knowledge of radars etc.
- Pgs. 351 directly questioned as to “did you try to hide the original passage plan from the Coast Guard.....no it was right on the chart table. Rana told him to make a new one to conform to fleet procedures. No he did not tell me to destroy the old one.
- Heard Coast Guard talking about new berth to berth, realized they were pointing out some mistakes, realized there were some mistakes and took it back to fix them. Coast Guard had no objection. He fixed it on the bridge while the CG was still there.
- No one ever told me to lie or hide anything from the Coast Guard
- After redoing Oakland to Pusan in berth to berth and fleet format, he took it upon himself to do all previous voyages berth to berth but only got to windows format.
- All of these remained on the computer and he had hard copies in his own files

- Zhao relates that both Singh and Captain Sun not familiar with ECS talked about it somewhere between Pusan and Long Beach
- Pgs400 – end.
- Reiterates foreign port authority close ports when fog is this bad.
- Lawyer has Zhao restate Fleet policy with the master being in charge of the vessel and has overriding authority and responsibility to make decisions with respect to safety and pollution prevention.
- Asked Zhao about foghorn on pier D (3 shorts every 30 seconds).
- Laborious testimony with Zhao regarding to how accurate he could have checked charts when discrepancies are found
- Goes into different numbering and positions with relating to chart and various passage plans (hard to follow in transcript without evidence in front of you to see)
- Talks about difference between 10 minute fixing position interval and 5 minutes by master's standing orders. Not a clear response but does show a discrepancy or misunderstanding.
- By the time questioning is at this point on pg. 538 I can not figure out what plans, copies, pilot to pilot, berth to berth the lawyer and Zhao are actually talking about.
- Testimony through to page 548 narrows down the interaction between what Zhao did with the various plans and giving them to the Coast Guard. Paints him to be not fully honest with the effort and giving the CG not enough information for the occurrence. However in his early statements in previous bullets as he recalled the interaction he seems to be doing only what he was told to do with no attempt to mislead.

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**END OF SUMMARY**

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Rob Jones